

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JESSE J. WALTON,

Plaintiff,

Case Number: 2:10-CV-14389

v.

HON. VICTORIA A. ROBERTS

ULYSSES S. BOYKIN, ET AL.,

Defendants.

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**ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE**

Plaintiff Jesse J. Walton, Jr., is in state custody at the Baraga Maximum Correctional Facility in Baraga, Michigan. He filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The Court finds that the complaint is duplicative of another case filed in this Court and, therefore, dismisses the complaint.

On October 19, 2010, Plaintiff filed a civil rights complaint challenging the actions of several state court judges, a state administrative law examiner and a county prosecutor in connection with several convictions and a parole revocation. That complaint was assigned to the undersigned District Judge. *See Walton v. Boykin*, No. 2:10-cv-14167. Subsequently, Plaintiff filed a second complaint, which was assigned to the Honorable Marianne O. Battani. The Second Complaint was reassigned to the undersigned District Judge, pursuant to Local Rule 83.11, as a companion to the earlier-filed case, number 2:10-cv-14167. *See Order Regarding Reassignment of Companion Case*, Nov. 12, 2010.

The second complaint is identical to the first complaint.

"[A] a suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions." *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir.1993) (internal quotation marks and citations omitted). This complaint names the same defendants and challenges the same actions as the complaint filed in case number 2:10-cv-14167. Therefore, the instant complaint is duplicative and shall be dismissed. *Accord Scott v. Burress*, No. 2:09-cv-10916, 2009 WL 891695, \*1 (E.D. Mich. March 31, 2009) (dismissing later-filed prisoner civil rights complaint because it was duplicative of earlier-filed complaint).

Accordingly, IT IS ORDERED that the complaint [dkt. #1] is DISMISSED WITHOUT PREJUDICE.

s/Victoria A. Roberts

Victoria A. Roberts  
United States District Judge

Dated: December 10, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Jesse J. Walton by electronic means or U.S. Mail on December 10, 2010.

s/Carol A. Pinegar  
Deputy Clerk